

On June 22, 2010, I was assigned to assist in the investigation of a violation of Penal Code section 242-243(e), which occurred at approximately 6:10 a.m. on June 19, 2010. The victim, [REDACTED] [REDACTED] reported being involved in a verbal argument with her husband STEVEN VARGEM (DOB: [REDACTED]-1960). During this argument, VARGEM assaulted the victim causing complaint of pain. Officer DeOliveria of the San Jose Police Department went to 3157 Midhurst Crt. and contacted the victim. The victim told Officer DeOliveria that she and VARGEM were married with two children in common. On June 18, 2010 at approximately 9:30 p.m. she and VARGEM argued about her giving a neighbor a box fruit. VARGEM continually ridiculed the victim for approximately one hour, until both parties fell asleep. The next morning on 6/19/2010 at approximately 6:10 a.m., upon waking up VARGEM began cursing at the victim. Then at

1 approximately 6:20 a.m. the victim exited the bedroom. VARGEM followed her into the family
2 room and continued to belittle her. VARGEM grabbed the victim's right bicep from behind. The
3 victim pulled away from the VARGEM and turned and faced VARGEM. VARGEM used two
4 hands in a choke / strangulation maneuvers and grasped the victim's neck. VARGEM squeezed the
5 victim's neck for approximately 5 – 6 seconds. The victim had trouble breathing, but did not loose
6 consciousness. VARGEM shook the victim back and forth approximately 2 times. VARGEM
7 continued to use vulgarities towards the victim as he shook her. VARGEM then pushed the victim,
8 causing her to fall to the floor. The victim was in great fear for her safety. Their daughter, witness
9 Ashley Vargem, observed VARGEM push the victim. The witness and VARGEM became
10 involved in a verbal argument. The victim got dressed, left the house and called the police
11 department to report the incident. The victim returned to her home and was contacted by officers.
12 The victim had no visible injuries but complained of pain to her neck. The victim was issued an
13 EPRO at the scene. VARGEM was the listed restrained party on the EPRO. The EPRO required
14 that VARGEM surrender all firearms in his possession.

15 On 6/22/2010, at approximately 3:30 p.m. I conducted a search of law enforcement
16 databases to determine if there were any firearms registered to STEVEN LEE VARGEM and
17 discovered that there were twelve firearms currently registered to VARGEM.

18 On 6/24/2010 at approximately 6:30 a.m. I checked the custody status of VARGEM and
19 determined that he had been allowed to post bail and that he had been released from custody.

20 On 6/24/2010, at approximately 10:30 a.m. I contacted the victim to conduct follow up
21 investigation on this case and to inquire about the status of the firearms registered to VARGEM.
22 The victim informed me that she did not have access to the safes containing the firearms. The
23 victim further stated that prior to the physical assault by VARGEM on 6/19/2010, the two became
24 involved in a verbal argument. During the argument, the victim told VARGEM, "I am done with
25 this. I'm done." The victim told me that VARGEM replied with something to the affect of 'You're

1 right. You are done, I am finishing this right now.' The victim stated that VARGEM then grabbed
2 her and began his assault. The victim stated that if the witness had not entered the room and
3 became involved, she believed that VARGEM would "finish" her. The victim stated that
4 VARGEM had a "crazed look that she had never seen before." The victim told me that she had
5 seen VARGEM return a "pistol" to the gun safe locked in the family room of their residence
6 approximately 2 months ago. The victim stated that VARGEM is very secretive about the firearms
7 and the safes. The victim stated that VARGEM would become angry with her and yell at her if she
8 entered the room when the safes were open.

9 Based on my training and experience, people who own firearms continue to retain them as
10 assets and continue to possess them for long periods of time. Therefore, I believe based on my
11 training and experience that VARGEM would still be in possession of the firearms registered to
12 him.

13 On June 24, 2010 at approximately 1:20 p.m. I again spoke with the victim to determine
14 what types of vehicles VARGEM may have access to. The victim informed me that VARGEM had
15 a Silver GMC YUKON XL Ca. license #4VNL510 and a White Panel Van Ca. license # 5S33665
16 which he uses for work. The Silver GMC YUKON XL Ca. license #4VNL510 is registered to
17 Vargem, Steven L and DBA FAB FOR YOU INC, with an address at 180 Lewis Rd. The white
18 panel van # 5S33665 is registered only to VARGEM'S company/work of DBA FAB FOR YOU
19 INC.

20 On June 24, 2010 at approximately 1:29 p.m. I called VARGEM to obtained permission to
21 retrieve all firearms in his possession. When VARGEM answer his cell phone (408-202-8443) I
22 identified myself as 'Duane Tuell a Police Officer with the city of San Jose. I verified with
23 VARGEM that he had a restraining order against him and that as such he had the responsibility to
24 surrender all firearms. I further advised VARGEN that he was in violation of the restraining order
25 and subject to arrest. VARGEM stated that all of his firearms were either 'sold' or 'transferred'. I

1 directly asked him if he was telling me there were no firearms in the safes? VARGEM stated that
2 he did not know. I then asked VARGEM for the combinations to his safes. He told me that he
3 would have to discuss the request with his lawyer. I told him that I would prepare a search warrant
4 and seize the firearms without his consent. VARGEM asked if he could call me right back at the
5 Family Violence Unit. VARGEM did not call back

6 After speaking to VARGEM and determining that he would not provide me with permission
7 to search his safes, I requested that a patrol unit be stationed at the residence until I could arrive
8 with a search warrant. I informed the district sergeant C. Anaya of VARGEM's description and the
9 description of possible vehicles that VARGEM had access to. Units then advised me on scene that
10 upon their arrival, a white van was parked in the driveway and was being loaded with unknown
11 items. The van was VARGEN's White Panel Van Ca. license # 5S33665. Patrol officers effected a
12 vehicle stop of the van and determined that it was being driven by VARGEN. VARGEN was in
13 violation of the EPRO previously granted to the victim.

14 Pursuant to Penal Code section 1524(a)(9), a search warrant may be issued when the
15 property to be seized include a firearm or any other deadly weapon at the scene of or at premises
16 occupied or under the control of a person arrested in connection with a domestic violence incident
17 involving a threat to human life or a physical assault. Based on the fact that VARGEM is the
18 restrained party in an EPRO, is required to surrender all firearms in his possession and is the only
19 one in possession of the combinations to the safes where his firearms are stored, a search warrant is
20 authorized to seize the firearm in this case.

21 Based upon the foregoing, it is my opinion that I have probable cause to believe and I do
22 believe that the items sought are lawfully seized and are presently at and on the premises to be
23 searched. Wherefore, I seek issuance of this Search Warrant.

24
25